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RECENT CASES

ADMIRALTY — CONFLICT OF LAWS — REMEDIES — RECOVERY FOR DEATH BY WRONGFUL ACT IN COLLISION AT SEA. — In a collision on the high sea between two ships from different states, in which one ship was negligent, persons aboard the innocent ship were killed. The statutes of each state provided for recovery for death by wrongful act, but differed as to the measure of damages. The owner of the offending ship was sued by the representatives of the deceased. *Held*, that they could not recover. *The Middlesex*, 253 Fed. 142 (Dist. Ct.).

For a discussion of this case, see NOTES, page 713.

ADMIRALTY — JURISDICTION — IMMUNITY OF GOVERNMENT VESSELS FROM LIBEL. — For damage to a cargo carried upon the *Maipo* the owners sought to libel the ship. The *Maipo* was a transport in the Chilean navy, owned and manned by that government. It was chartered for hire by a private person contracting to carry freight, but by the charter-party the Chilean government reserved freight space, agreed to pay all port duties, and to manage the ship. *Held*, that the court had not jurisdiction. *The Maipo*, 252 Fed. 627.

Ships of war everywhere receive exemption from local jurisdiction. 2 MOORE, DIG. INT. LAW, 1906, § 254. Whether all public vessels should be so exempted was long a moot question. LAWRENCE, INT. LAW, 3 ed., 224; HALL, INT. LAW, 6 ed., 188. The sovereign cannot be sued, and in so far as jurisdiction is concerned the courts recognize no difference between a suit against the sovereign and a suit against his property. *Vavas seur v. Krupp*, L. R. 9 Ch. Div. 351; *The Siren*, 7 Wall. (U. S.) 152. While the existence of a right to a lien or to an action for salvage or damage from collision is recognized the strict application of the doctrine of extraterritoriality forbids its enforcement. *United States v. Peters*, 3 Dall. (U. S.) 121; *The Exchange*, 7 Cranch (U. S.) 116; *Briggs v. Light Boats*, 11 Allen (Mass.) 157; *Pizarro v. Matthais*, 10 N. Y. Leg. Obs. 97; *The Parlement Belge*, 5 P. D. 197; *The Constitution*, 4 P. D. 39; *Young v. Scotia*, [1903] A. C. 501; *The Pampa*, 245 Fed. 137. Nor will a writ issue against a person upon a public vessel. 7 OPIN. ATT'Y GEN'L, 122; HALL, INT. LAW, 6 ed., 191. The English court has decided that immunity from local jurisdiction is not lost though the public vessel carry for hire merchandise and passengers. *The Parlement Belge*, *supra*. However, an ambassador's property which he has engaged in commerce has been attached. *Emperor of Brazil v. Robinson*, 5 Dowl. 522; 2 PHILLIMORE, INT. LAW, 3 ed., 222. There has been American opinion that because the owner could not be sued the action against the ship might be allowed. *Pizarro v. Matthais*, *supra*. See *United States v. Wilder*, 3 Sumn. (C. C. A.) 308, 316. A lien is enforced, therefore, upon property of the sovereign when not in his possession nor in public use, but in the possession of a bailee. *The Davis*, 10 Wall. (U. S.) 15. The rule would seem to extend to public vessels. *Long v. Tampico*, 16 Fed. 491. *The Attualita*, 238 Fed. 909. WESTLAKE, PVT. INT. LAW, 5 ed., 271. The courts recognize the hardship endured by a libellant forced to seek relief in distant foreign jurisdictions, especially where the merchant marine is becoming government controlled.

BANKS AND BANKING — NATIONAL BANKS — VALIDITY OF STATE TAX ON SHARES WITHOUT DEDUCTION FOR TAXABLE STOCK HELD BY BANK IN ANOTHER NATIONAL BANK. — The National Bank Act, as amended, provides (REV. STAT. § 5219) that "Nothing herein shall prevent all the shares in any association from being included in the valuation of the personal property of the owner or holder of such shares, in assessing taxes imposed by authority of the